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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,616	10/24/2003	Mark Kenneth Eyer	80398.P562	8791

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,616

Applicant(s)

EYER, MARK KENNETH

Examiner

Nam V. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application of Eyer for a "home network interface legacy device adapter" filed October 24, 2003 has been examined.

This application claims benefit of 60/445,995, which is filed on February 6, 2003.

Claims 1-41 are pending.

Information Disclosure Statement

An information disclosure form (PTO-1449) listing the references was not enclosed in the application.

Claim Objections

Claim 1 is objected to because of the following informalities: a first network adapter having a circuitry to receive and another circuitry to generate a data code sequence. Theses circuitries need to be clearly identified. Same as a second network adapter having circuitries to transfer because these circuitries are not the same.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the wireless transmission medium" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that claim 5 depend on Claim 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 12-20 and 23-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Neuman (Pub. No. 2003/0195969).

Referring to Claims 1, 12, 23-25, 28, 31-33 and 37, Neuman discloses a system and a method for wireless control of home media sources (page 1, paragraph 0007 to 0009; see Figure

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1), comprising: a first legacy device (112) (i.e. a TV or a display); a digital network (111), a second legacy device (107) (i.e. a VCR or a DVD) (page 2, paragraph 0021; see Figure 1);

a first network adapter (101) (i.e. a remote settop box) coupled to the first legacy device (112), the first network adapter (101) having IR receiver (401 and 402) (see Figure 4A) to receive a IR command signal, the IR command signal recognized by the second legacy device (107) and to control the second legacy device (107), the first network adapter (101) having a signal processor (405) packetizes the IR commands and forwards them across digital network (111), the first network device (101) to transfer packetized IR commands to the digital network (111) (page 2, paragraph 0021; page 3 paragraphs 0030 to 0038; see Figures 1 and 4A); and

a second network adapter (102) (i.e. a central settop box) coupled to transfer the packetized IR commands from the digital network (111) to the second legacy device (107),

the second legacy device (107) having circuitry to transfer an analog audio/video signal to the second network adapter (102) in response to the packetized IR commands (page 2, paragraph 0021; see Figure 1 and 2),

the second network adapter (102) having central signal processor (501) to encode the analog audio/video signal into a digital audio/video data stream (page 4 paragraph 0048, page 5 paragraph 0053; see Figures 1-2 and 5),

the second network adapter (102) having network interface to transfer the digital audio/video data stream to the first network adapter (101) via the digital network (111) (page 4 paragraph 0045; see Figure 3),

the first network adapter (101) having circuitry to decode the digital audio/video data stream back into the analog audio signal, and circuitry to transfer the analog audio/video signal to the first legacy device (112) (page 2 paragraph 0021; page 5 paragraph 0053; see Figures 1-3).

Referring to Claim 2-3, 13-14, 34-35 and 38-39, Neuman discloses the system and the method of claims 1, 12, 33 and 37, wherein the digital network (111) is a twisted pair and/or an Ethernet (page 1 paragraph 0005; page 1 paragraph 0008; page 2 paragraph 0021; see Figure 1).

Referring to Claims 4-5, 15-16, 36 and 40-41, Neuman disclose the system and the method of claims 1, 12, 33 and 38, wherein the digital network (111) is a wireless 802-11 digital network (page 1 paragraph 0008).

Referring to Claims 6 and 17, Neuman disclose the system of claims 1 and 12, wherein the first network adapter (101) includes IR receiver and RC filter receive the IR command signals (page 2 paragraph 0023; see Figure 4a).

Referring to Claims 7-8 and 18-19, Neuman disclose the system of claims 1 and 12, wherein the second network adapter (102) includes IR LED (106) to transmit the packetized IR command to the second legacy device (107) via infrared blaster command (115) (page 2 paragraph 0021; see Figures 1-3 and 5).

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Referring to Claims 9 and 20, Neuman disclose the system of claims 1 and 12, further comprising a remote control unit (109) to transmit the IR command to the first network adapter (101) (page 2 paragraph 0021; see Figure 1).

Referring to Claim 26-27 and 29-30, Neuman disclose the system and the method of claims 25 and 28, further comprising circuitry to multiplex the digital audio data stream with the digital video data stream and to transfer the multiplexed digital audio data stream and digital video data stream to the transmission medium (page 5 paragraph 0053; see Figure 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuman (Pub. No. 2003/0195969) as applied to claim 1 above, and in view of Rakib (US# 6,970,127).

Referring to claims 10-11 and 21-22, Neuman disclose the system of claims 1 and 12, however, Neuman did not explicitly disclose further comprising a wireless keyboard or a personal digital assistant to transmit the data code sequence to the first network adapter.

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In the same field of endeavor of a remote control for wireless control of a system, Rakib teaches that a wireless keyboard or a personal digital assistant (100) (i.e. as a wireless remote control unit) to transmit a wireless command to a wireless gateway (10) or a settop box decoder (80) (column 11 lines 11 to 22; column 31 lines 60 to 67; see Figures 3-5 and 9) in order to allow e-mail data to be typed and URL addresses to be entered as a user input devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a wireless keyboard or a personal digital assistant as a wireless remote control device taught by Rakib in a system for wireless control of home media sources of Neuman because using the wireless keyboard or the personal digital assistant as a wireless remote control device would allow user increase functionality of the home media network system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shintani et al. (US# 6,111,677) disclose an optical remote control interface system and method.

Takayama (US# 7,191,245) discloses an information processing apparatus and information processing method.

Markman et al. (Pub. No. US 2003/0122966) disclose a system and method for meta data distribution to customize media content playback.

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Braithwaite et al. (Pub. No. 2005/0131558) disclose an audio network distribution system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
May 9, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER